

REMARKS

This responds to the non-final Office Action dated 20 March 2008. A petition for a one-month extension of time is filed in conjunction with this Amendment. Applicant thanks the Examiner for recognizing claims 3, 10-13, 16-18, 21, 24, 26, 27, 32, 44, and 55 as containing allowable subject matter. Additionally, Applicant thanks the Examiner for the courtesies extended in the in-person interview on 14 July 2008.

Claims 1, 15, 25, 26, 28, 31, 37, 42, 43, 45, 47, and 53 have been amended and claims 44 and 55 have been canceled. Support for these amendments can be found variously throughout the specification, including, for example, page 6, line 22 to page 7, line 5, FIGS. 1A, 1B, 2A, 3B, 3C, 6A, and 6B, and original claims 1, 6, 16, 18, 26, 32, 44, and 55. No new matter has been added. Accordingly, claims 1-5, 7-33, 37-40, 42-43, and 45-54 are presently pending in the application, each of which Applicant believes is in condition for allowance. Applicant respectfully requests reexamination and reconsideration in light of the above amendments and the following remarks.

Interview Summary

On 14 July 2008, Applicant's representatives, L. Grant Foster and Christopher J. Wickstrom, and Examiner Julian W. Woo engaged in an in-person interview. Applicant's representatives and the Examiner discussed the claims of the present application as well as the references applied in the 20 March 2008 Office Action. In particular, Applicant's Representatives and the Examiner discussed the pending claims in contrast to the references cited in the non-final Office Action of 20 March 2008. The amendments set forth above reflect

the discussion and acknowledgments made during the in-person interview of 14 July 2008 (the “Interview”).

Claim Rejections – 35 U.S.C. § 102

In the Action, the Examiner rejected claims 15, 19, 20, 22, 23, and 47-52 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,425,924 to Rousseau (“Rousseau”). The Examiner also rejected claims 28-31 and 33 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,531,759 to Kensey et al. (“Kensey”). Additionally, the Examiner rejected claims 53 and 54 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,792,154 to Doan et al. (“Doan”). Applicant respectfully traverses this rejection.

Independent claim 15 of the present application recites, *inter alia*, “an external component configured to be positioned external to the lumen, the external component being folded so that one portion of the external component is in contact with another portion of the external component, the external component comprising a sponge material.” As discussed in the Interview, Rousseau fails to disclose, teach, or even suggest an external component comprising a sponge material.

Independent claim 28 of the present application recites, *inter alia*, “wherein the sealing plug is tri-folded into substantially an S-shape as seen from an end view.” As indicated in the Office Action, Kensey fails to disclose, teach, or even suggest a sealing plug that is tri-folded into substantially an S-shape.

Independent claim 31 of the present application recites, *inter alia*, “an insertion sheath having first and second ends; a carrier tube disposed inside the insertion sheath, the carrier tube having first and second ends; an anchor disposed inside the insertion sheath at the first end thereof, the anchor being disposed outside of the carrier tube at the first end thereof, wherein a portion of the anchor is positioned radially adjacent to an outer diameter of the carrier tube.” As discussed in the Interview, Kensey fails to disclose, teach, or even suggest an anchor disposed inside an insertion sheath and outside of a carrier tube, wherein a portion of the anchor is positioned radially adjacent to an outer diameter of the carrier tube.

Independent claim 47 of the present application recites, *inter alia*, “a sealing plug that is compressible, the sealing plug comprising a sponge material.” As discussed in the Interview, Rousseau fails to disclose, teach, or even suggest a sealing plug comprising a sponge material.

Independent claim 53 of the present application, which contains subject matter of previously presented claim 55 that the Examiner indicated as being allowable in the Office Action, is likewise allowable for at least the same reasons as previously presented claim 55.

In view of the foregoing, Applicant respectfully submits that independent claims 15, 28, 31, 47, and 53 are in condition for allowance. Applicant therefore respectfully requests that the rejection of these claims under 35 U.S.C. § 102 be withdrawn, and these claims be allowed.

Moreover, aside from the novel limitations recited therein, claims 19, 20, 22, 23, 29, 30, 33, 48-52, and 54 are also allowable at least by virtue of their dependency upon allowable base claims 15, 28, 31, 47, and 53. Applicant respectfully requests, therefore, that the rejection of claims 19, 20, 22, 23, 29, 30, 33, 48-52, and 54 under 35 U.S.C. § 102 be withdrawn, and these claims be allowed.

Claim Rejections – 35 U.S.C. § 103

In the Action, the Examiner rejected claims 1, 2, 4, 5, 8, 9, and 14 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rousseau in view of U.S. Patent No. 5,116,357 to Eberbach (“Eberbach”). Additionally, the Examiner rejected claims 25 and 43 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,027,523 to Schmieding (“Schmieding”) in view of U.S. Patent No. 5,716,413 to Walter et al. (“Walter”). The Examiner also rejected claims 31, 37-40, 42, 45, and 46 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,508,828 to Akerfeldt et al. (“Akerfeldt”). Applicant respectfully traverses this rejection.

Independent claim 1 of the present application recites, *inter alia*, “wherein the one hole in the sealing plug is the last hole in the sealing plug that the filament passes through before entering the hole in the anchor and the another hole in the sealing plug is the first hole in the sealing plug that the filament passes through after exiting the hole in the anchor; and wherein the filament passes through at least four holes in the sealing plug,” as previously presented in claim 1. Independent claim 1, which contains subject matter of previously presented claim 6 that was indicated in the Office Action of 2 November 2007 as being allowable, is likewise allowable for at least the same reasons.

Independent claim 25, contains subject matter of previously presented claim 26, reciting, *inter alia*, “wherein the filament alternately extends through the plurality of holes in the two cross members in a spiral pattern.” As indicated in the Office Action and as discussed in the Interview, Schmieding and Walter fail to disclose, teach, or even suggest a sealing plug that

comprises two cross members and filament that alternately extends through a plurality of holes in the two cross members in a spiral pattern.

Independent claim 31 of the present application recites, *inter alia*, “an insertion sheath having first and second ends; a carrier tube disposed inside the insertion sheath, the carrier tube having first and second ends; an anchor disposed inside the insertion sheath at the first end thereof, the anchor being disposed outside of the carrier tube at the first end thereof, wherein a portion of the anchor is positioned radially adjacent to an outer diameter of the carrier tube.” As discussed in the Interview, Akerfeldt fails to disclose, teach, or even suggest an anchor disposed inside an insertion sheath and outside of a carrier tube, wherein a portion of the anchor is positioned radially adjacent to an outer diameter of the carrier tube.

Independent claim 37 of the present application recites, *inter alia*, that an “anchor is positioned outside of the carrier tube such that a portion of the anchor is positioned radially adjacent to an outer diameter of the carrier tube, the portion of the anchor being flush with the outer diameter of the carrier tube.” Similarly, independent claim 42 of the present application recites, *inter alia*, that “a portion of the anchor is positioned radially adjacent to an outer diameter of the carrier tube such that the portion of the anchor is flush with the outer diameter of the carrier tube.” As discussed in the Interview, Akerfeldt fails to disclose, teach, or even suggest a portion of an anchor that is positioned radially adjacent to an outer diameter of a carrier tube, the portion of the anchor being flush with the outer diameter of the carrier tube.

Independent claim 43, which contains subject matter of previously presented claim 44 that the Examiner indicated as being allowable in the Office Action, is likewise allowable for at least the same reasons as previously presented claim 44.

Independent claim 45 of the present application recites, *inter alia*, a “generally V-shaped sealing plug” that “comprises a plurality of holes extending therethrough.” In contrast, Akerfeldt fails to disclose, teach, or suggest a generally V-shaped sealing plug comprising a plurality of holes extending therethrough. Rather, Akerfeldt merely discloses an elongated core 18 having no holes extending through elongated core 18. The elongated core 18 in Akerfeldt is merely a thickened portion inside suture 12 in which additional material fills an interior portion of suture 12. *See, e.g.*, col. 4, line 66-67 (“a hollow core of the suture wire 12 is filled with an elongated core 18”).

In view of the foregoing, Applicant respectfully submits that independent claims 1, 25, 31, 37, 42, 43, and 45 are in condition for allowance. Applicant therefore respectfully requests that the rejection of these claims under 35 U.S.C. § 103 be withdrawn, and these claims be allowed.

Moreover, aside from the novel limitations recited therein, claims 2, 4, 5, 8, 9, 14, 38-40, and 46 are also allowable at least by virtue of their dependency upon allowable base claims 1, 37, and 45. Applicant respectfully requests, therefore, that the rejection of claims 2, 4, 5, 8, 9, 14, 38-40, and 46 under 35 U.S.C. § 103 be withdrawn, and these claims be allowed.

Conclusion

For at least the foregoing reasons, Applicant believes that each of the presently pending claims in this application is in immediate condition for allowance. Accordingly, Applicant respectfully requests a favorable action on the merits. If the Examiner has any further comments

or suggestions, the Applicant invites the Examiner to telephone the undersigned attorney to expedite the handling of this matter.

Respectfully submitted,

Dated: 18 JULY 2008

A handwritten signature in black ink, appearing to read "L. Grant Foster", written over a horizontal line.

L. Grant Foster
Registration No. 33,236